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#### FACSIMILE TRANSMISSION COVER PAGE

DATE:

March 27, 2006

RECIPIENT:

Issue Fee

COMPANY:

U.S. Patent and Trademark Office

RECIPIENT'S FAX NO.:

(571) 273-8300

FROM:

Lara A. Northrop LAN

FILE NUMBER:

LUME 48487 (128-A)

NUMBER OF PAGES

(including cover page):

6

MESSAGE: RE: USSN 09/808,898; Filed March 15, 2001

Petition (2 pgs); Copy of USPTO Fax Confirmation Sheet (1pg) Copy of Transmittal Sheet (1 pg); Copy of Fee Sheet (1 pg)

SENT BY:

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# RECEIVED CENTRAL FAX CENTER

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 2 7 2006

Application No.

09/808,898

Confirmation No. 4894

Applicant

Bruce Bryan March 15, 2001

Filed Title:

RENILLA RENIFORMIS FLUORESCENT PROTEINS, NUCLEIC ACIDS ENCODING THE FLUORESCENT

PROTEINS AND THE USE THEREOF IN DIAGNOSTICS, HIGH THROUGHPUT SCREENING AND NOVELTY

**ITEMS** 

TC/A.U.

1653

Examiner :

Samuel W. Liu

Docket No.

**LUME 48487** 

Customer No. :

29694

## PETITION UNDER 37 CFR 1.181 REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT

### VIA FACSIMILE - (571) 273-8300

Mail Stop – Issue Fee Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 March 27, 2006

Sir:

Applicants hereby petition for withdrawal of the holding of abandonment of this application. The Notice of Abandonment mailed March 20, 2006 states that Applicants failed to timely pay the issue fee and publication fee for this case. Specifically, the Notice states that the issue fee and publication fee were not received by the U.S. Patent and Trademark Office.

Attached hereto as Exhibit 1 is the fax confirmation sheet from the U.S. Patent and Trademark Office showing that Applicants submitted the issue fee to the U.S. Patent and Trademark Office on July 12, 2005. Attached as Exhibit 2 is a copy of the Fee Transmittal Sheet submitted July 12, 2005 evidencing that the \$1,400.00 issue fee and the \$300.00 publication fee required by 37 C.F.R. 1.18 was authorized to be withdrawn from the Applicant's Deposit Account.

Withdrawal of the Notice of Abandonment and issuance of the patent are respectfully requested.

Respectfully submitted,

Lara A. Northrop

Registration No. 55,502

Pietragallo, Bosick & Gordon LLP One Oxford Centre, 38<sup>th</sup> Floor

301 Grant Street

Pittsburgh, PA 15219

Attorney for Applicants

(412) 263-4362

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EXHIBIT 1

Auto-Reply Facsimile Transmission

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ENCLOSURES (Check of that early)						
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03/27/2006 11:59 FAX 14122610915 **2**005 TRANSMITTED VIA FACSIMILE TO 571-273-6500 EXHIBIT 2. PTO/SB/21 (09-04) A. Acid for use through 07/31/2008, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Pagerwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/808.898 Filing Date TRANSMITTAL 03/15/2001 First Named Inventor FORM RECEIVED Bruce Bryan Art Unit CENTRAL FAX CENTER 1853 Examiner Name Samuel W. Liu MAR 2 7 2006 (to be used for all correspondence after initial filing) Attomey Docket Number LUME 48487 Total Number of Pages in Thia Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC **√** Fee Transmittal Form Drawing(s) Appeal Communication to Board Fee Attached Licensing-related Papers of Appeals and Interferences Appeal Communication to TC Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Provisional Application Proprietary Information Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Other Enclosure(s) (please identify Terminal Disclaimer Extension of Time Request :(wolad Fee Transmittal (Form PTO/SB/17) Request for Refund Express Abandonment Request - Part B - Fee(s) Transmittal CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Pietragallo, Boşlek & Gordon Signature Printed name Lara A. Northrop, Èso Date Reg. No. July 12, 2005 55,502 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facelmile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mall in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Lacarie Marlere E. Date Martene E. Lacanic Typed or printed name July 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03/27/2006 11:59 FAX 14122610915 EXHIBIT 2 PTO/\$B/17 (12-04v2) use through 07/31/2006. OMB 0651-0032 Approve U.S. Patent and Trademan Under the Paperwork Reduction Act of 1995 no excess are required to respond to a collection of information unless it displays a valid OMR control number Effective on 12/08/2004. Complete if Known ees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818). Application Number 09/808,898 RECEIVED TRANSMIT Filing Date 03/15/2001 CENTRAL FAX CENT For FY 2005 First Named Inventor Bruce Bryan Examiner Name Samuel W. Liu Applicant claims small entity status. See 37 CFR 1.27 Art Unit 1653 TOTAL AMOUNT OF PAYMENT 1700.00 Attorney Docket No. **LUME 48487** METHOD OF PAYMENT (check all that apply) Check Credit Card Money Order Other (please identify): None Deposit Account Deposit Account Number: 500859 Deposit Account Name: Pietragallo, Bosick & For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fee(s) or underpayments of fee(s) ✓ Credit any overpayments under 37 CFR 1.16 and 1.17 WARNING: Information on this form may become public. Credit eard information should not be included on this form. Provide credit card information and authorization on PTO-2038. FEE CALCULATION 1. BASIC FILING, SEARCH, AND EXAMINATION FEES **FILING FEES SEARCH FEES EXAMINATION FEES** Small Entity Small Entity Small Entity Application Type Fee (\$) Fee (\$) Fee (\$) Fees Paid (\$) Fee (\$) Fee (\$) Fee (\$) Utility 300 150 500 250 200 100 Design 200 100 100 50 130 65 Plant 200 100 300 160 150 80 Reissue 300 150 500 250 600 300 **Provisional** 200 100 O 0 0 0 2. EXCESS CLAIM FEES Small Entity Fee Description Fee (\$) Fee (\$) Each claim over 20 (including Reissues) 50 25 Each independent claim over 3 (including Reissues) 200 100 Multiple dependent claims 360 180 Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims 20 or HP = Fee (\$) Fee Paid (\$) HP = highest number of total claims paid for, if greater than 20. Indep. Claims Extra Claims Fee (\$) Fee Pald (\$) -3 or HP = HP = highest number of independent claims paid for, if greater than 3. 3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$) - 100 = **/50 =** (round up to a whole number) x 4. OTHER FEE(S) Fees Paid (\$)

SUBMITTED BY				
Signature	Jarus		Registration No. (Attomsy/Agent) 55,502	Telephone 412-263-4362
Name (Print/Type)	Lara A. Northrop, E	sq.		Date July 12, 2005

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Issue Fee (\$1400) and Publication Fee (\$300)

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